

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date: 9-8-72 (PLTF.)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>ZESTEE FOODS, INCORPORATED, a Corporation, Plaintiff,</p> <p>VS.</p> <p>FRUEHAUF CORPORATION, a Corporation, Defendant.</p>		<p>For plaintiff:</p> <p>Jay C. Baker Mayo Building Tulsa, Oklahoma 74103 587-1168</p> <p>For defendant:</p> <p>J. L. Morehead Thompson Bldg. Tulsa, Okla. 74103 (582-9271)</p>					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 10-1-72	Clerk		9-8-72 9-14-72	Baker C.D.No.12	15.00	15	00
J.S. 6 mailed 2-1-75	Marshal						
Basis of Action: Money Judgment.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-8-72	Complaint filed and Summons issued. v	
9-8-72	Letter from John Rogers, Sec. of State, re: Freuhauf Corp., stating that there is no record of such corp. v	
9-14-72	Return on U.S. Marshals Service, Summons, filed. Served Chief Officer by serving Anthony Richard, in Tulsa, Oklahoma, on 9-8-72 with fees of \$6.00. v	
9-26-72	Stip. extending time, filed. r	
9-28-72	Order filed, that the stip is approved and deft is granted until 10-18-72 in which to answer, filed. (FD-J)r (Copies mailed)	
9-29-72	Interrogatories to Party Deft and Request for Production, filed. r	
10-18-72	Answer and Counterclaim filed by defendant. h <i>Reply due 11/7</i>	
10-27-72	Stip. ext time to file answer to interrog., filed. r <i>mailed</i>	
11-2-72	Order approving stip, that deft is extended to 11-18-72 in which to answer interrog. of pltf., filed. (FD-J)r (Copies mailed)	
11-9-72	ANSWER to Counterclaim of Pltf., filed. r	
11-20-72	Answers to Interrogatories and Response to Request for Production, filed by Deft., Fruehauf Corp., by A. R. Buttitta, its agent. v	
12-5-72	Notice of taking depositions of Jerry Lynn Wilkes, et al., on 12-16-72, filed. g	
12-18-72	U.S. Marshals Service, Return on Subpoena, filed. Served Mr. C. P. Kay, in Okla. City, Okla., on 12-13-72, with fees of \$2.72. Served Jerry Lynn Wilkes, c/o W-H Trucking Co., in Okla. City, Okla., on 12-8-72, with fees of \$2.00. Served Wayne Henson, c/o W-H Trucking Co., in Okla. City, Okla. on 12-8-72, with fees of \$2.00. Served Howard B. Weston, in Okla. City, Okla., on 12-8-72, with fees of \$8.30. Served Gene Hukill, in Okla. City, Okla., on 12-8-72, with fees of \$2.00. Served Bob Halpain, in Okla. City, Okla., on 12-9-72, with fees of \$5.36. v	
1-16-73	Case set for P-T Hearing at 10:30 A.M. 1-30-73 (FD-J)r	
1-30-73	Pre-Trial held. Parties rep. Statements made. Pltf withdraws 2nd count of action in complaint. Deft to amend their counterclaim. Pltf to prepare P-T Order. Case set on Jury Docket. (FD-J)r	
2-13-73	Deposition of Eldon Goss taken on 12-16-72 by S. A. Casey Fash, LSR Deposition of Wayne Henson " " " " " " " " " " " " Deposition of C.P. Kay " " " " " " " " " " " " Deposition of Howard Weston " " " " " " " " " " " " Deposition of Eugene Hukill " " " " " " " " " " " " Deposition of Bob Halpain " " " " " " " " " " " " (\$163.50 paid by plaintiff)	filed. ds filed. ds filed. ds filed. ds filed. ds filed. ds

(over)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-7-73	Case set for Jury Trials on Tues. 4-17-73 at 9:30 A.M. (FD-J)r	
3-19-73	Deposition of Jerry Wilkes on behalf of the plaintiff, taken on 12-16-72 by S. A. Casey Fash, LSR, Oklahoma City, Okla filed. \$84.00 pd by plaintiff. ds	16-72
4-3-73	Defts Motion for S/J, filed, w/Brief in support, filed. r <i>mailed</i>	
4-5-73	Letter from Judge Daugherty to Jay Baker directing Pltf. to respond to def't's motion in the alternative & as it applies to both the complaint & counterclaim on or before 4-13-73. (FD-J)hm	
4-11-73	Appl. of Pltf and asks leave of Court to issue subpoenas for witnesses: Bob Halpin, Wayne Henson and Jerry Wilkes, filed. r <i>mailed withdrawn</i>	
4-13-73	Brief in Response to def't's Motion for S/J, filed by Pltf., filed. r <i>mailed</i>	
4-13-73	Motion of the Pltf. for Summary Judgment, filed. v	
4-16-73	PRE-TRIAL ORDER, filed. (FD-J)r	
4-16-73	Ordered by the Court, that Jury Trial is stricken for reason of the Motions for S/J. (FD-J)r	
4-27-73	Ltr from Jay Baker to J.D. dated 4-23-73, requesting to withdraw the Appl of Pltf and leave of Court to issue subpoenas. (so done)	
5-3-73	Brief in response to Pltf.'s Motion for Summary Judgment, filed. v	
7-2-73	Claim of Attorneys' Lien, filed. jj	
7-19-73	Order filed, overruling the Motions for S/J, filed. (RD-J)r (Copies mailed)	
8-7-73	Case set for Jury Trials on Monday, 10-29-73 at 9:30 A.M. (FD-J)r	
8-22-73	Pltf's Notice of Depositions of H. E. "Gene" Mathews, filed. jj	
9-20-73	Deposition of H.E. Mathews filed.(fee--)	
9-20-73	Notice of filing deposition, filed. ds	
10-29-73	Case called for jury trial. Parties present. Case stricken from this jury docket by the Court, to be reset on next jury docket. (FD-J)rm	
11-1-73	Ltr. from pltf. req. case be stricken from jury & put on non-jury list, filed. rm	
11-1-73	Ltr. fr. FD to counsel advising case will be set on non-jury list & req. them to advise Ct. reason they desire case be tried in Okla. City. (FD-J)rm	
7-24-74	MO: Ordered by the Ct. that this case is set for non-jury trial for 8/26/74 at 9:30 a.m. In <u>Okla. City</u> . (FD-J)rm - notices mailed	
8-26-74	Non-jury trial held in Okla. City. Parties announce ready. Opening statements made; exhibits admitted; witnesses sworn & testify and closing arguments. Def. mo/dismissal denied. Case taken under advisement & to be submitted upon receipt of stip.of counsel re damage issue. (FD-J) rm	

PT. 011
4086-21-73
depos
mailed to
7-18

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-26-74	Stipulation, re issue of damages, filed. b <i>copy to</i>	
12-27-74	Order, filed and entered, that defendant have judgment against pltf. on its counter-claim in the amount of \$25,601.24. Counsel for def. will prepare an appropriate judgment based on order and submit to pltf. counsel for approval and to Ct. for entry. (FD-J)rm - copies mailed <i>g</i>	
1-10-75	Judgment, filed and entered, that def. recover of pltf. the sum of \$25,601.24, with int. as provided by law, and costs. (FD-J)rm - copies md.	
1-13-75	Bill of costs of deft., filed, in amt. of \$201.25. Hearing set for 1-22-75 at 10:30 a.m. before Clerk. k	
1-22-75	Bill of Costs taxed in the amount of 201.25, filed and entered. lm	
1-31-75	Motion of pltf. for ext. of time for filing notice of appeal, filed. rm <i>cl y</i>	
2-6-75	Order, filed, granting pltf. an ext. of time of 30 days from 2/9/75 (to 3/11/75) to file notice of appeal. (FD-J)rm - copies to counsel and court reporter, Holmes	
1-16-76	Deft's Interrogatories in aid of execution, filed. g	
2-11	Letter, filed, from Jay Baker to Jim Elder, advising that he no longer represents Zestee and therefore did not have authority to accept service of interrogatories. rm	
3-26	USM service on Interrogatories, ret. & filed: served Glen O. Cone on 3-24-76. (USM \$3.72)g	
4-5	Pltf's ans. to interros. in aid of execution by Glenn O. Cone, filed. ph	
11-4	Deft's second interrogatories in aid of execution, filed.s	
11-30	Ans. to deft's 2nd interros. in aid of execution, filed. lm	
4-19-79	Execution issued.k	
4-27-79	Execution, ret. & fld: unserved unable to locate Glen O. Cone. g	